

Executive Summary – Enforcement Matter – Case No. 48581

City of Ropesville

RN102079530 and RN101175990

Docket No. 2014-0574-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Ropesville WWTF, located immediately east of U.S. Highway 62 and approximately one mile southwest of the intersection of U.S. Highway 62 and Farm-to-Market Road 41, Ropesville, Hockley County ("Facility No. 1")

City of Ropesville PWS, located 18 miles southwest of Lubbock on U.S. Highway 62/82, Ropesville, Hockley County ("Facility No. 2")

Type of Operation:

Wastewater treatment facility and public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: December 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,491

Amount Deferred for Expedited Settlement: \$1,898

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,593

Name of SEP: Compliance SEP

Compliance History Classifications (RN102079530):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (RN101175990):

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Docket No. 2014-0574-MLM-E

Investigation Information

Complaint Date(s): June 11, 2013, July 1, 2013, August 6, 2013, September 10, 2013

Complaint Information: The complainant alleged the City Mayor did not have the appropriate wastewater licensing. The complainant alleged the Respondent had allowed the lift station at the wastewater treatment pond to overflow which resulted in power outages. The complainant alleged a Boil Water Notice was not issued when the Respondent turned the water off for repairs on July 1, 2013.

Date(s) of Investigation: June 14, 2013 and July 17, 2013

Date(s) of NOE(s): July 26, 2013 and August 2, 2013

Violation Information

1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures which resulted in the unauthorized discharge of wastewater at Facility No. 1. Specifically, no means of connecting the Facility's generator to the lift station was available and a power outage on the night of June 5, 2013, through the morning of June 6, 2013, resulted in the discharge of an unknown volume of raw wastewater from the manhole near the main lift station onto the ground adjacent to the lift station [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0011150001, Operational Requirements No. 4 and Permit Conditions No. 2.g.].
2. Failed to conduct toxicity characteristic leaching procedure tests for sewage sludge at Facility No. 1. Specifically, sludge had been removed from the Facility since the previous investigation, but the sludge was not tested prior to disposal [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011150001, Sludge Provisions, Section III.D and F.2].
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, at Facility No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0011150001, Sludge Provisions].
4. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained at Facility No. 1. Specifically, there was vegetation including weeds and cattails growing on the facultative lagoon pond berms [30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1].
5. Failed to report any noncompliance which may endanger human health or safety or the environment at Facility No. 1. Specifically, the Respondent was aware of the unauthorized discharge that occurred from June 5 through 6, 2013; however, a

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City of Ropesville

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noncompliance notification was not submitted to the TCEQ Lubbock Regional Office or the Enforcement Division [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 7.a and b.].

6. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually at Facility No. 1. Specifically, the daily readings from June 12, 2012, through June 14, 2013, fluctuated from 1,000 gallons to 22,000 gallons, indicating inaccurate flow readings. Also, Facility records indicate that the flow meter was inoperable from November 18, 2012, through November 30, 2012, and from December 5, 2012, through December 10, 2012, and that the flow meter was worked on in January 2013, but there was no record of calibration or verification of accuracy [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 5].

7. Failed to comply with permitted effluent limits at Facility No. 1. Specifically, the pH maximum exceeded the permitted limit of 9.0 standard units (“s.u.”) for the monitoring periods ending March 31, 2013 (9.1 s.u.), April 30, 2013 (9.1 s.u.), and May 31, 2013 (9.3 s.u.) [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011150001, Effluent Limitations and Monitoring Requirements A].

8. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained at Facility No. 1. Specifically, the facultative lagoon and storage/evaporation ponds were partially enclosed with a five-strand barbed-wire fence; however, there was no fence enclosing the north and west sides of the Facility, and the chain-link fence surrounding the Imhoff tank and sludge drying beds was in disrepair and does not meet the definition of intruder-resistant [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1].

9. Failed to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) at Facility No. 2. Specifically, the Respondent did not issue a boil water notice within 24 hours of a water outage that occurred on July 1, 2013 [30 TEX. ADMIN. CODE § 290.46(q)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at Facility No. 1:

a. By October 24, 2013:

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- i. Cleaned and disinfected the affected area around the lift station;
 - ii. Submitted the annual sludge report for the monitoring period ending July 31, 2012;
 - iii. Submitted a noncompliance notification for the unauthorized discharge that occurred from June 5 through 6, 2013; and
 - iv. Installed a five-strand barbed-wire fence with a lockable gate enclosing the Facility.
- b. By February 12, 2014, repaired the generator to prevent the unauthorized discharge of untreated or inadequately treated wastes during electrical power failures.
- c. By May 27, 2014, developed and began maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of Facility No. 2 in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Update operational guidance and conduct employee training at Facility No. 1 to ensure that reporting requirements are met for noncompliances which may endanger human health or the environment and that sewage sludge is tested prior to sludge disposal;
 - ii. Remove the vegetation growing on the berms of the facultative lagoon at Facility No. 1; and
 - iii. Calibrate the flow meter at Facility No. 1.
 - b. Within 45 days, submit written certification of compliance with Ordering Provision a.

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c. Within 90 days, submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0011150001, including specific corrective actions that were implemented at Facility No. 1 to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, Enforcement Team 1, MC 169, (956) 430-6023; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Meaghan Bailey, SEP Coordinator, Litigation Division, MC 175, (512) 239-0205
Respondent: The Honorable Christopher Bratcher, Mayor, City of Ropesville, P.O. Box 96, Ropesville, Texas 79358
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0574-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Ropesville
Penalty Amount:	Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593)
SEP Offset Amount:	Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP Repair</i>
Location of SEP:	Hockley County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent's wastewater treatment facility. Respondent shall calibrate the flow meter, treat weeds on the berms of the facultative lagoon and install rip rap at the facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: weed killer and rip rap (the "Project"). Respondent shall solicit bids from qualified contractors to install the rip rap at the facility. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Units	Cost	Total
Installation of Rip Rap at facility	216	Yards	\$83	\$17,928
3' Pipe in 10' sections	648	Feet	\$30	\$1,944
Total				\$19,872

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ

in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication **must include the enforcement statement, as stated in Section 6, Publicity, when applicable**);
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	29-Jul-2013	Screening	12-Aug-2013	EPA Due	
	PCW	20-Feb-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Ropesville (Facility 1)		
Reg. Ent. Ref. No.	RN102079530		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48581	No. of Violations	8
Docket No.	2014-0574-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,600
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Notes	Enhancement for one order with denial.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,923
Approx. Cost of Compliance	\$18,925

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$9,350

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,350
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,870
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$7,480
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Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0011150001, Operational Requirements No. 4 and Permit Conditions No. 2.g

Violation Description

Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures which resulted in the unauthorized discharge of wastewater, as documented during an investigation conducted on June 14, 2013. Specifically, no means of connecting the Facility's generator to the lift station was available and a power outage on the night of June 5, 2013, through the morning of June 6, 2013, resulted in the discharge of an unknown volume of raw wastewater from the manhole near the main lift station onto the ground adjacent to the lift station.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

68 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the date of the discharge (June 5, 2013) to the screening date (August 12, 2013).

Good Faith Efforts to Comply

10.0% Reduction

\$125

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent achieved compliance by February 12, 2014.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$261

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$5,000	5-Jun-2013	12-Feb-2014	0.69	\$12	\$230	\$242
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	5-Jun-2013	24-Oct-2013	0.39	\$19	n/a	\$19
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to repair the generator to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, and to clean and disinfect the affected area. Date required is the date of the discharge. Final dates are the date the generator was repaired and available for use, and the date the affected area was cleaned and disinfected.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$6,000

TOTAL \$261

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011150001, Sludge Provisions, Section III.D and F.2

Violation Description

Failed to conduct toxicity characteristic leaching procedure ("TCLP") tests for sewage sludge, as documented during an investigation conducted on June 14, 2013. Specifically, sludge had been removed from the Facility since the investigation conducted on August 9 and 10, 2011, but the sludge was not tested prior to disposal.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost for this violation is included with Violation No. 5.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	14-Jun-2013	14-Jun-2013	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct a TCLP test on the sludge that was removed from the Facility. Date required is the investigation date. Final date is the investigation date.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TCEQ Permit No. WQ0011150001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, as documented during an investigation conducted on June 14, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix
Notes

More than 70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

345 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$250

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent achieved compliance by October 24, 2013.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	1-Sep-2012	24-Oct-2013	1.15	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual sludge report. Date required is the date the report was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on June 14, 2013. Specifically, there was vegetation including weeds and cattails growing on the facultative lagoon pond berms.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (June 14, 2013) to the screening date (August 12, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Jun-2013	20-Nov-2014	1.44	\$36	n/a	\$36

Notes for DELAYED costs

Estimated cost to remove the vegetation from the berms of the facultative lagoon. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$36

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 7.a and b

Violation Description

Failed to report any noncompliance which may endanger human health or safety or the environment, as documented during an investigation conducted on June 14, 2013. Specifically, the Respondent was aware of the unauthorized discharge that occurred from June 5 through 6, 2013; however, a noncompliance notification was not submitted to the TCEQ Lubbock Regional Office or the Enforcement Division.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 5

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	6-Jun-2013	24-Oct-2013	0.38	\$0	n/a	\$0
Training/Sampling	\$250	6-Jun-2013	20-Nov-2014	1.46	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that reporting requirements are met for noncompliances which may endanger human health or the environment and that sewage sludge is tested prior to sludge disposal. Date required is when the noncompliance notification was due. Final dates are the date the noncompliance notification was submitted and the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$19

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 5

Violation Description

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually, as documented during an investigation conducted on June 14, 2013.

Specifically, the daily readings from June 12, 2012, through June 14, 2013, fluctuated from 1,000 gallons to 22,000 gallons, indicating inaccurate flow readings. Also, Facility records indicate that the flow meter was inoperable from November 18, 2012, through November 30, 2012, and from December 5, 2012, through December 10, 2012, and that the flow meter was worked on in January 2013, but there was no record of calibration or verification of accuracy.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

x (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$584

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Jun-2013	20-Nov-2014	1.44	\$36	n/a	\$36

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	14-Jun-2012	14-Jun-2013	1.92	\$48	\$500	\$548
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to calibrate the flow meter. Date required is one year prior to the investigation date. Final date is the investigation date.

Approx. Cost of Compliance \$1,000

TOTAL \$584

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0011150001, Effluent Limitations and Monitoring Requirements A

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on June 14, 2013. Specifically, the pH maximum exceeded the permitted limit of 9.0 standard units ("s.u.") for the monitoring periods ending March 31, 2013 (9.1 s.u.), April 30, 2013 (9.1 s.u.), and May 31, 2013 (9.3 s.u.).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$903

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)
Case ID No. 48581
Reg. Ent. Reference No. RN102079530
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2013	19-Jan-2015	1.81	\$903	n/a	\$903

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$903

Screening Date 12-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 1)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079530

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on June 14, 2013. Specifically, the facultative lagoon and storage/evaporation ponds were partially enclosed with a five-strand barbed-wire fence; however, there was no fence enclosing the north and west sides of the Facility, and the chain-link fence surrounding the Imhoff tank and sludge drying beds was in disrepair and does not meet the definition of intruder-resistant.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (June 14, 2013) to the screening date (August 12, 2013).

Good Faith Efforts to Comply

10.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance by October 24, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 1)

Case ID No. 48581

Reg. Ent. Reference No. RN102079530

Media Water Quality

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	14-Jun-2013	24-Oct-2013	0.36	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to install a five-strand barbed-wire fence with a lockable gate enclosing the Facility. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$18

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600624035, RN102079530, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600624035, City of Ropesville **Classification:** SATISFACTORY **Rating:** 19.52

Regulated Entity: RN102079530, CITY OF ROPESVILLE (Facility 1) **Classification:** SATISFACTORY **Rating:** 32.14

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Immediately east of United States Highway 62 and approximately one mile southwest of the intersection of United States Highway 62 and Farm-to-Market Road 41 in Ropesville, Hockley County, Texas

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
WASTEWATER PERMIT WQ0011150001

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: May 21, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 21, 2009 to May 21, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lanae Foard

Phone: (512) 239-2554

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/07/2012 ADMINORDER 2011-1944-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Special Provision 21. PERMIT

Description: Failure to provide documentation that the existing pond liners comply with the liner requirements specified in 30 TEX. ADMIN. CODE § 217.203 within 45 days of permit issuance. Specifically, the Respondent did not provide the documentation or implement Alternative Nos. 1, 2, or 3.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Sludge Provisions, Section I.A.1. PERMIT

Description: Failure to dispose of sludge at a TCEQ authorized sludge land application site, or co-disposal landfill.

Specifically, at the time of the investigation, sludge was being excavated from the northeast corner of the south storage pond with a backhoe, and was transported on a flatbed truck to the effluent land application site on the west side of the Facility.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limitations A PERMIT

Description: Failure to comply with permitted effluent limits. Specifically, the five-day Biochemical Oxygen Demand Single Grab Maximum exceeded the permit limit of 100 milligrams/liter ("mg/L") for the sample taken on May 31, 2011 (105

mg/L).

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)

Description: Failure to prevent the unauthorized disposal of municipal solid waste. Specifically, a waste pile near the entrance to the Facility contained approximately four cubic yards of waste including tires, toys, a mattress, an oven, lumber, bricks, and various other wastes; and a waste pile on the east side of the land application site contained a couch, a rake, toys, and other municipal solid waste.

Classification: Moderate

Citation: 30 TAC Chapter 217, SubChapter B 217.33(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Operational Requirements 5 PERMIT

Description: Failure to provide an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 13, 2011	(933043)
Item 2	February 14, 2013	(1058303)
Item 3	October 08, 2013	(1122686)
Item 4	March 06, 2014	(1151362)
Item 5	April 29, 2014	(1163966)
Item 6	May 14, 2014	(1165440)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ
DATES

Assigned
PCW

5-Aug-2013
20-Feb-2014

Screening

19-Aug-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent

City of Ropesville (Facility 2)

Reg. Ent. Ref. No.

RN101175990

Facility/Site Region

2-Lubbock

Major/Minor Source

Minor

CASE INFORMATION

Enf./Case ID No.

48581

Docket No.

2014-0574-MLM-E

Media Program(s)

Public Water Supply

Multi-Media

Water Quality

No. of Violations

1

Order Type

1660

Government/Non-Profit

Yes

Enf. Coordinator

Lanae Foard

EC's Team

Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$50

Maximum

\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$150

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

4.0%

Enhancement

Subtotals 2, 3, & 7

\$6

Notes

Enhancement for two NOVs with dissimilar violations.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

-\$15

Economic Benefit

0.0% Enhancement*

Subtotal 6

\$0

Total EB Amounts

\$511

Approx. Cost of Compliance

\$750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$141

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$141

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$141

DEFERRAL

20.0%

Reduction

Adjustment

-\$28

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$113

Screening Date 19-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 2)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101175990

Media [Statute] Public Water Supply

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 4%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 4%

Screening Date 19-Aug-2013

Docket No. 2014-0574-MLM-E

PCW

Respondent City of Ropesville (Facility 2)

Policy Revision 3 (September 2011)

Case ID No. 48581

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101175990

Media [Statute] Public Water Supply

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(q)(1)

Violation Description

Failed to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, the Respondent did not issue a boil water notice within 24 hours of a water outage that occurred on July 1, 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Failure to issue a boil water notice may not allow the public to take appropriate measures to prevent exposure to a significant amount of contaminants that would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$15

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent achieved compliance by May 27, 2014.

Violation Subtotal \$135

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$511

Violation Final Penalty Total \$141

This violation Final Assessed Penalty (adjusted for limits) \$141

Economic Benefit Worksheet

Respondent City of Ropesville (Facility 2)

Case ID No. 48581

Reg. Ent. Reference No. RN101175990

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	2-Jul-2013	27-May-2014	0.90	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the standard operating procedures to ensure boil water notices are issued in a timely manner and the estimated cost to issue the boil water notice. Date required is the date the boil water notice was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	1-Jul-2013	2-Jul-2013	0.00	\$0	\$500	\$500
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to provide a boil water notice, calculated for the 24-hour period the notice was due.

Approx. Cost of Compliance

\$750

TOTAL

\$511



Compliance History Report

PUBLISHED Compliance History Report for CN600624035, RN101175990, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600624035, City of Ropesville	Classification:	SATISFACTORY	Rating:	19.52
Regulated Entity:	RN101175990, CITY OF ROPESVILLE (Facility 2)	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	18 miles southwest of Lubbock on United States Highway 62/82 in Ropesville, Hockley County, Texas				
TCEQ Region:	REGION 02 - LUBBOCK				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1100004				

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	May 21, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 21, 2009 to May 21, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Lanae Foard	Phone:	(512) 239-2554		

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	July 22, 2011	(942549)
Item 2	July 20, 2012	(1020933)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/02/2013	(1138343)	CN600624035
	Self Report?	NO		Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: FLU MCL 2Q2013 - The system violated the maximum contaminant level for fluoride during the 2nd quarter of 2013 with a RAA of 5.1 mg/L.

2 Date: 07/12/2013 (1101211) CN600624035
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Description: Failure to have records accessible for review during an inspection.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ROPESVILLE

RN102079530 AND RN101175990

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0574-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Ropesville ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates facilities at the following locations ("Facilities"):
 - a. A wastewater treatment facility located immediately east of United States Highway 62 and approximately one mile southwest of the intersection of United States Highway 62 and Farm-to-Market Road 41 in Ropesville, Hockley County, Texas ("Facility No. 1").
 - b. A public water supply located 18 miles southwest of Lubbock on United States Highway 62/82 in Ropesville, Hockley County, Texas ("Facility No. 2") that has approximately 193 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2013, and August 7, 2013.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Four Hundred Ninety-One Dollars (\$9,491) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Eight Hundred Ninety-Eight Dollars (\$1,898) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Facility No. 1:
 - a. By October 24, 2013:
 - i. Cleaned and disinfected the affected area around the lift station;
 - ii. Submitted the annual sludge report for the monitoring period ending July 31, 2012;
 - iii. Submitted a noncompliance notification for the unauthorized discharge that occurred from June 5 through 6, 2013; and
 - iv. Installed a five-strand barbed-wire fence with a lockable gate enclosing the Facility.
 - b. By February 12, 2014, repaired the generator to prevent the unauthorized discharge of untreated or inadequately treated wastes during electrical power failures.
 - c. By May 27, 2014, developed and began maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of Facility No. 2 in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, the Respondent is alleged to have:

1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures which resulted in the unauthorized discharge of wastewater at Facility No. 1, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0011150001, Operational Requirements No. 4 and Permit Conditions No. 2.g, as documented during an investigation conducted on June 14, 2013. Specifically, no means of connecting the Facility's generator to the lift station was available and a power outage on the night of June 5, 2013, through the morning of June 6, 2013, resulted in the discharge of an unknown volume of raw wastewater from the manhole near the main lift station onto the ground adjacent to the lift station.
2. Failed to conduct toxicity characteristic leaching procedure tests for sewage sludge at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011150001, Sludge Provisions, Section III.D and F.2, as documented during an investigation conducted on June 14, 2013. Specifically, sludge had been removed from the Facility since the previous investigation, but the sludge was not tested prior to disposal.
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 1, 2012, at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0011150001, Sludge Provisions, as documented during an investigation conducted on June 14, 2013.
4. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1, as documented during an investigation conducted on June 14, 2013. Specifically, there was vegetation including weeds and cattails growing on the facultative lagoon pond berms.
5. Failed to report any noncompliance which may endanger human health or safety or the environment at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)

- and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 7.a and b, as documented during an investigation conducted on June 14, 2013. Specifically, the Respondent was aware of the unauthorized discharge that occurred from June 5 through 6, 2013; however, a noncompliance notification was not submitted to the TCEQ Lubbock Regional Office or the Enforcement Division.
6. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually at Facility No. 1, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 5, as documented during an investigation conducted on June 14, 2013. Specifically, the daily readings from June 12, 2012, through June 14, 2013, fluctuated from 1,000 gallons to 22,000 gallons, indicating inaccurate flow readings. Also, Facility records indicate that the flow meter was inoperable from November 18, 2012, through November 30, 2012, and from December 5, 2012, through December 10, 2012, and that the flow meter was worked on in January 2013, but there was no record of calibration or verification of accuracy.
 7. Failed to comply with permitted effluent limits at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0011150001, Effluent Limitations and Monitoring Requirements A, as documented during an investigation conducted on June 14, 2013. Specifically, the pH maximum exceeded the permitted limit of 9.0 standard units ("s.u.") for the monitoring periods ending March 31, 2013 (9.1 s.u.), April 30, 2013 (9.1 s.u.), and May 31, 2013 (9.3 s.u.).
 8. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained at Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0011150001, Operational Requirements No. 1, as documented during an investigation conducted on June 14, 2013. Specifically, the facultative lagoon and storage/evaporation ponds were partially enclosed with a five-strand barbed-wire fence; however, there was no fence enclosing the north and west sides of the Facility, and the chain-link fence surrounding the Imhoff tank and sludge drying beds was in disrepair and does not meet the definition of intruder-resistant.
 9. Failed to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) at Facility No. 2, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on July 17, 2013. Specifically, the Respondent did not issue a boil water notice within 24 hours of a water outage that occurred on July 1, 2013.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Ropesville, Docket No. 2014-0574-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update operational guidance and conduct employee training at Facility No. 1 to ensure that reporting requirements are met for noncompliances which may endanger human health or the environment and that sewage sludge is tested prior to sludge disposal, in accordance with TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 7.a and b, and Sludge Provisions, Section III.D and F.2;
 - ii. Remove the vegetation growing on the berms of the facultative lagoon at Facility No. 1, in accordance with TCEQ Permit No. WQ0011150001, Operational Requirements No. 1; and
 - iii. Calibrate the flow meter at Facility No. 1, in accordance with TCEQ Permit No. WQ0011150001, Monitoring Requirements No. 5.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 3.a.i through 3.a.iii, in accordance with Ordering Provision No. 3.d below.
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Permit No.

WQ0011150001, including specific corrective actions that were implemented at Facility No. 1 to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, in accordance with Ordering Provision No. 3.d below.

- d. The certifications required by Ordering Provisions Nos. 3.b and 3.c shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations at the Facilities referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/9/15


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order, and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-6-2014

Date

CHRISTOPHER BRATCHER

Name (Printed or typed)
Authorized Representative of
City of Ropesville

MAYOR

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0574-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Ropesville
Penalty Amount:	Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593)
SEP Offset Amount:	Seven Thousand Five Hundred Ninety-Three Dollars (\$7,593)
Type of SEP:	Compliance SEP
Project Name:	<i>WWTP Repair</i>
Location of SEP:	Hockley County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment facility which are described in this Agreed Order. This Agreed Order cites violations at Respondent's wastewater treatment facility. Respondent shall calibrate the flow meter, treat weeds on the berms of the facultative lagoon and install rip rap at the facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: weed killer and rip rap (the "Project"). Respondent shall solicit bids from qualified contractors to install the rip rap at the facility. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Units	Cost	Total
Installation of Rip Rap at facility	216	Yards	\$83	\$17,928
3' Pipe in 10' sections	648	Feet	\$30	\$1,944
Total				\$19,872

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ

in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

B. Final Report

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication **must include the enforcement statement, as stated in Section 6, Publicity, when applicable**);
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.